

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

BACOU-DALLOZ USA SAFETY, INC., and)
HOWARD LEIGHT INDUSTRIES, LLC)

Plaintiffs,)

v.)

CABOT SAFETY INTERMEDIATE)
CORPORATION and AEARO COMPANY)

Defendants.)

Case No. 04-40049-NMG

DECLARATION OF ANDREW C. RYAN, ESQ.

I, Andrew C. Ryan, Esq., declare as follows:

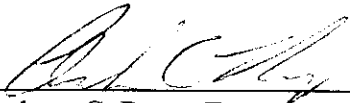
1. I am an attorney associated with the firm of Cantor Colburn LLP, attorneys for the Defendants Cabot Safety Intermediate Corporation and Aearo Company (collectively referred to herein as "Cabot").
2. Attached hereto are the following Exhibits to Defendants Memorandum of Law in Support of Motion to Dismiss or Transfer Venue Pursuant to 28 U.S.C. §1404.
3. Exhibit 1 is a true and accurate copy of Cabot's complaint against Bacou-Dalloz USA Safety, Inc. Howard Leight Indus. Division in Civil Action No. 03-cv-00547-RLY-WTL, currently pending in the Southern District of Indiana.
4. Exhibit 2 is a true and accurate copy of Bacou-Dalloz USA Safety, Inc. and Howard Leight Indus., LLC's complaint against Cabot in the present action.

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5. Exhibit 3 is a true and accurate copy of the court order from the Central District of California transferring the action now known as Civil Action No. 03-cv-00235-DFH-VSS from the Central District of California to the Southern District of Indiana.
6. Exhibit 4 is a true and accurate copy of Bacou-Dalloz USA Safety, Inc. Howard Leight Indus. Division's amended complaint against Aearo Company in Civil Action No. 03-cv-00235-DFH-VSS, currently pending in the Southern District of Indiana.
7. Exhibit 5 is a true and accurate copy of Cabot's complaint against Bacou-Dalloz USA Safety, Inc. Howard Leight Indus. Division in Civil Action No. 03-cv-1406-DFH-VSS, currently pending in the Southern District of Indiana.
8. Exhibit 6 includes true and accurate copies of the Magistrate Judge's Entry for Civil Action No. 03-cv-00235-DFH-VSS and Civil Action No. 03-cv-1406-DFH-VSS, dated April 1, 2004, continuing the settlement conference to provide the parties with the opportunity to reconsider their settlement positions. There is no formal Entry for Civil Action No. 03-cv-00547-RLY-WTL, however that case was also discussed at the settlement conference.
9. Exhibit 7 is a true and accurate copy of Bacou-Dalloz USA Safety, Inc. Howard Leight Indus. Division's motion to transfer Civil Action No. 03-cv-1406-DFH-VSS from the Southern District of Indiana to the Central District of California (without exhibits).

I declare under penalty of perjury that the foregoing is true and correct. Executed
this ~~27~~²⁸ day of April, 2004, at Bloomfield, Connecticut.

By: 
Andrew C. Ryan, Esq.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing DECLARATION OF ANDREW C. RYAN, ESQ. was sent by first class mail, postage prepaid, on this 27th day of April, 2004, to the following:

Charles Hieken, Esq.
Gregory A. Madera, Esq.
225 Franklin Street
Boston, MA 02110-2804



Andrew C. Ryan